



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/03/03  
Agenda Item 3

**TO:** Planning Commission

**FROM:** Richard E. Patenaude, Principal Planner

**SUBJECT:** Site Plan Review Application No. 2003-0414 – Standard Pacific Homes (Applicant) / Acacia Credit Fund 7, LLC (Owner) - Request for Approval of the Design of 195 Single-Family Dwellings, and Variances to Rear Yards and Lot Coverage for Certain Lots, to Be Located at the Easterly End of Eden Shores Drive as Phase III of Eden Shores (Commonly Known as Oliver West) in the RS (Single-Family Residential) Zoning District

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that there are no changes or circumstances caused by this project that effect the environment and that this project can rely on the previously certified environmental documents for the "South of Route 92" project; and
2. Approve the site plan review application and its variances, subject to the attached findings and conditions.

### DISCUSSION:

In 1998, the City Council approved the "*South of Route 92/Oliver & Weber Properties Specific Plan*," the "*South of Route 92 Oliver/Weber Properties Development Guidelines*," the conditions of approval for subsequent projects, and an Environmental Impact Report. Subsequent implementing measures that were approved include tract maps for the project, an addendum to the Environmental Impact Report, and the initiation of landscape and lighting districts to fund most of the landscaping of common areas, and the water buffer system. Review and approval by the Planning Commission is required for all subsequent development proposals.

The Specific Plan provides for a 5-acre community park, a 2.5-acre neighborhood park, and trails that connect to the Bay Trail along the baylands. An open space buffer with a water channel skirts the edge of the designated residential area and separates it from the adjacent baylands. Tentative maps were approved for residential development in three "neighborhoods": "The Bay" with 5,000 square-foot lots, "The Cape" with 6,000 square-foot lots, and "The Breakers" with 8,000 square-foot lots.

The Planning Commission, on July 11, 2002, approved a Site Plan Review application for the Phase I of Eden Shores, consisting of the 109 lots of the northerly portion of "The Bay" neighborhood. Phase I also included the development of the 5-acre community park, the common area landscaping, the water buffer along the northerly and westerly edges, and the Bay Trail connection. Four models (floor plans) were approved, ranging from 2,197 to 2,687 square feet. Each of the models can accommodate three of five available elevations with from two to six bedrooms, depending on options.

The Planning Commission, on January 9, 2003, approved a Site Plan Review application for Phase II for the 221 lots to be known as "The Cape" (81 lots) and "The Breakers" (140 lots) neighborhoods. This phase also includes the development of the 2.5-acre neighborhood park, the common area landscaping, the retention of 9 lots (81-83, 96-98, 115-117) for wetlands protection, and the water buffer along the southerly edge. Five models (floor plans) are proposed in "The Cape," and each of the models can accommodate three of four available elevations with from two to six bedrooms, and ranging in size from 2,811 square feet to 3,214 square feet. Six models (floor plans) are proposed in "The Breakers," and each of the models can accommodate three available elevations with from two to six bedrooms, and ranging in size from 3,096 square feet to 4,675 square feet.

On April 10, 2003, the Planning Commission approved the one-story models for 27 lots within "The Bay" and "The Cape" neighborhoods. Two models were approved, with from three to four bedrooms, and ranging from 1,823 to 2,444 square feet. The two floor plans will be used in both neighborhoods; however, the architectural styles will be consistent with the specific neighborhood in which the model is located. In "The Bay," each of the models can accommodate one of four elevation styles, while in "The Cape," each of the models can accommodate one of six.

### Project Description

The Planning Commission is now being asked to approve a site plan review application for the homes in the southerly portion of "The Bay" neighborhood containing 195 lots (see Exhibit A). As in the first phase of "The Bay," the minimum lot size is 5,000 square feet. The design of the homes is the same as those under construction in the first phase. Four two-story models (floor plans) are proposed, and each of the models can accommodate three of five available elevations with from two to six bedrooms, depending on options for extended garages, lofts or retreats. Model No. 1 contains 2,197 square feet; Model No. 2, 2,291 square feet; Model No. 3, 2,440 square feet; and Model No. 4, 2,687 square feet. For comparison, each of the three neighborhoods in *Twin Bridges* contains four models and four elevation styles.

Two one-story models (floor plans) are proposed for 20 lots, 10 percent of the total. These homes will contain from three to four bedrooms, depending on options for retreats, dens, lofts and extended garages. Floor area ranges from 1,824 to 2,416 square feet each of the models can accommodate one of four styles. As in the first phase, most of the one-story models purposefully back up to the railroad due to internal sound requirements, and to keep the height of the sound wall as low as possible.

The Development Guidelines for development of the "South of 92" area call to take advantage of opportunities of views toward San Francisco Bay and recognize that views could be had from the second story of certain residences. Lots 1, 116, 117, 232, 244, 245 and 259 face the baylands. A condition of approval requires that the floor plans for the residences on these lots be designed so that there is a view toward the bay from rooms on the second floor.

### Variances

Six of the one-story lots (124, 125, 131, 134, 135 and 146) require a variance in the depth of the rear yard from 20 feet to as much as 15 feet. While new residences are required to provide a rear yard of 20 feet, the Zoning Ordinance allows single-story additions as close as 10 feet to the rear property line as long as the addition does not cover more than 20 percent of the required rear yard. With the addition of accessory structures, such as storage sheds, a homeowner may cover up to 40 percent of the required yard. In these cases, not more than 25 percent of the required yard would be covered. The rear yards of these lots back up to the sound wall and will not impact any other residence.

Seventeen of the one-story lots (124, 125, 127, 130, 131 and 135 thru 146) require a variance to allow lot coverage of up to 49.6 percent. The standard lot coverage for single-family residences is 40 percent. Most of the lots in this neighborhood will contain a two-story residence, allowing a total floor area ranging from 2,197-3,214 square feet. In order to provide a comparable single-story residence compatible with this neighborhood (1,823-2,444 square feet), it is necessary to increase the lot coverage. The tract map was laid out prior to the determination that the noise levels would force the use of standard lots along the sound wall.

Staff recommends that the Planning Commission approve these variances. The variances are consistent with those approved in the first phase of "The Bay" neighborhood and in "The Cape" neighborhood.

### **ENVIRONMENTAL REVIEW:**

An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan.*" This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines.*" No further environmental review is required.

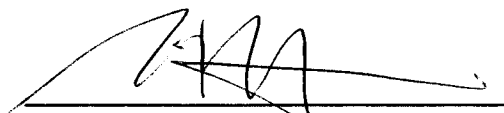
### **PUBLIC NOTICE:**

On August 29, 2003, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to all interested parties, including HASPA. Staff received no comments from the public regarding the project.

## CONCLUSION:

The proposed project is consistent with Specific Plan and the Development Guidelines for the "South of Route 92/Oliver & Weber Properties" project, as well as applicable City-wide development guidelines. The design of the homes and the variance request are consistent with the approved first phase of "The Bay" neighborhood. It is recommended that the Planning Commission approve the project.

*Prepared by:*

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Richard E. Patenaude, AICP  
Principal Planner

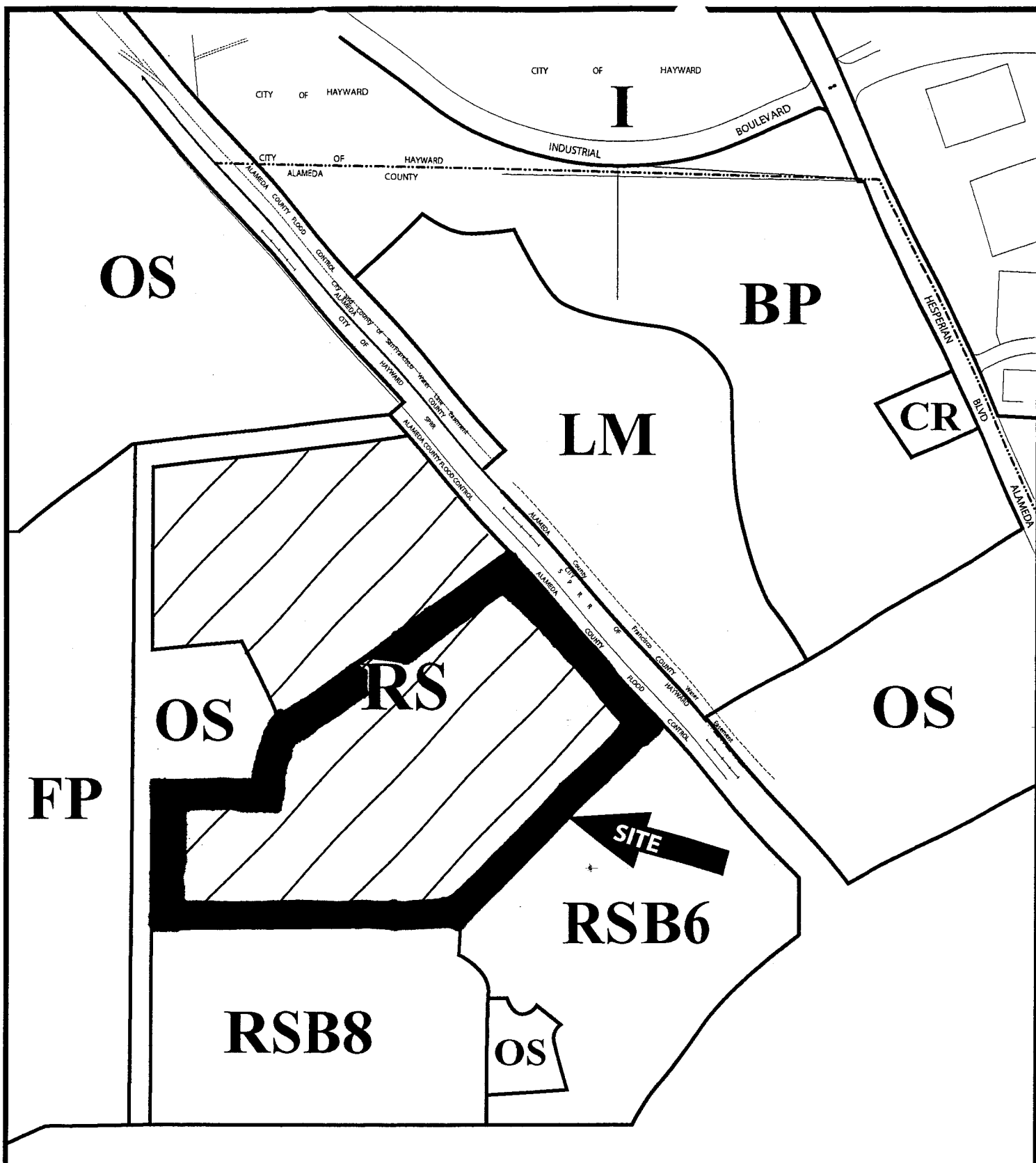
*Recommended by:*

A handwritten signature in black ink, appearing to read "Dyana Anderly", written over a horizontal line.

Dyana Anderly, AICP  
Planning Manager

## Attachments:

- A. Area & Zoning Map
- B. Findings for Approval
- C. Conditions for Approval  
Plans



### Area & Zoning Map

PL-2003-0414 SPR

Address: 28905 Hesperian Blvd.

Applicant: Bo Crane

Owner: Acacia Credit Fund 7, LLC by Peter Dunne

BP-Business Park

CR-Commercial Retail

FP-Flood Plain

I-Industrial

LM-Light Manufacturing

OS- Open Space

RS-Single-Family Residential,RSB4,RSB6



## **FINDINGS OF APPROVAL**

### **Site Plan Review Application No. 2003-0414**

#### **Standard Pacific Homes (Applicant); Acacia Credit Fund 7, LLC (Owner)**

Phase Three of Eden Shores Containing 195 Single-Family Dwellings with Variances to Rear Yards and Lot Coverage for Certain Lots,  
Easterly End of Eden Shores Drive on Property Commonly Known as Oliver West  
RS (Single-Family Residential) Zoning District

- A. An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan*." This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines*." No further environmental review is required.
- B. The development is compatible with proposed on-site and surrounding structures and uses and is an attractive addition to the City, providing a wide variety of architectural styles and public and private landscaped areas.
- C. The development takes into consideration physical and environmental constraints and opportunities. The adjacent water buffer is attractively landscaped and that homes along the westerly edge of the project are afforded views toward the Bay. All residences will be required to meet City and project noise standards regarding the noise emitted from the adjacent railroad operations.
- D. The development complies with the intent of City development policies and regulations from which the "*South of Route 92 Oliver/Weber Properties Development Guidelines*" were developed. An exception to the Guidelines to allow encroachments into the front yards by porches is appropriate as the strict application of these guidelines would deprive this project of the privileges enjoyed by other properties under the same zoning classification. This exception does not grant a special privilege as it is consistent with the limitations upon other properties in the same zoning district and this project is required to measure up to a stricter level of design guidelines than other properties in the same zoning district.
- E. A reduction in the rear yards for Lots 124, 125, 131, 134, 135 and 146, and the increase in lot coverage for Lots 124, 125, 127, 130, 131 and 135 thru 146, is appropriate as there are special circumstances applicable to the property in that the determination that the single-story structures would be placed on the subject lots followed the creation of such lots; strict application of the Zoning Ordinance deprives such properties of privileges enjoyed by the other properties in the vicinity in that the resultant residences would have to be smaller than the others proposed in the vicinity; and the variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity as the rear of the lots abut the sound walls, reducing the impact of the variance.

- F. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that a homeowners association will be created, which will be charged with the long-term maintenance of public and private improvements.

## **CONDITIONS OF APPROVAL**

### **Site Plan Review Application No. 2003-0414**

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### **GENERAL**

1. This permit becomes void on September 11, 2005 unless, prior to that time, substantial and continued progress has been made toward the establishment of the use and/or structure approved or an extension of time is approved. A request for a one-year extension of time, approval of which is not guaranteed, must be submitted to the Planning Director 15 days prior to the above date.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. All improvements indicated on Exhibit "A", and as amended by these conditions of approval, are hereby approved, and must be installed prior to authorization for final building occupancy. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. Prior to the sale of any individual lot, a homeowners association shall be created to maintain the common area landscaping and all street trees, the water buffer, the Bay Trail connection, maintenance of the neighborhood park and preservation of the wetlands, sidewalks, off-street pedestrian/bike paths, street lighting, street furniture, sound walls, and project signage. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover replacement and major repair costs. The homeowners' association shall be authorized to enforce the CC&Rs. The City shall have the ability to place liens on all properties within the subdivision if the homeowners' association fails to fulfill its maintenance obligations. The developer shall prepare project CC&Rs for the entire development for review and approval by the Planning Director.
5. The developer shall inform potential buyers of all obligations associated with the purchase of property using all means necessary (such as brightly-colored paper) to make such disclosure obvious in the sale-related materials.



6. All masonry wall surfaces (with the exception of the single-family residences) shall be provided with an anti-graffiti coating. Graffiti on any surface shall be removed within 7 days of its occurrence.
7. All project amenities shall be maintained, to the satisfaction of the City Engineer and the Planning Director, by the developer during the construction phase and until acceptance of Tract 7360. Failure to do so within a reasonably acceptable time shall result in a stop-work order for the entire Tract.
8. During construction of any site improvements or residences, pets of any kind may not be brought on to the site. Radios, stereos or any other similar device may not be used without headphones.
9. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

#### LANDSCAPING

13. Landscaping shall be maintained in a healthy, weed-free condition at all times with replacement plants provided where necessary. Required street and parking lot trees that are severely topped or pruned shall be immediately replaced as determined by the City Landscape Architect.
14. The planting and maintenance of shrubs must not impair visibility at street intersections. The height of plant materials in areas where sight distance is critical is limited to three feet. Trees in these areas must be pruned such that the canopy provides adequate visibility.
15. All 2:1 sloped areas, or steeper, shall be prepared with jute netting or other approved soil erosion preventative prior to planting of landscape material.
16. Front-yard landscaping and street trees shall be installed prior to occupancy of each lot, unless otherwise approved by the City Landscape Architect.
17. A covenant shall be recorded with each lot requiring property owner to properly maintain front-yard landscaping and street trees with replacements provided where necessary. Property owners within the tract shall be allowed to enforce the covenant.
18. A covenant shall be recorded with Lots 244, 245 and 259 requiring the property owners to comply with the list of permitted rear yard trees for the purpose of discouraging the harboring of raptors.

## DESIGN

19. Lots 1, 116, 117, 232, 244, 245 and 259 shall contain residences with second-story rooms that have views toward the Bay.
20. All surface treatments and materials must be designed to appear as an integral part of the design, and not merely applied. Materials changes must occur at inside corners. Materials applied to any elevation must turn the corner a full 4 feet before terminating at a stucco pop-out providing the inside corner. All side and rear elevations shall be enhanced with the same level of detail as the front elevation to the satisfaction of the Planning Director.
21. The colors and materials used on the exterior of the residences shall be those submitted with this application. No changes shall be made without prior approval by the Planning Director.
22. Prior to issuance of any building permit, all building materials and colors, as well as required modifications to the structures, shall be approved by the Planning Director.
23. Plans for building permits shall indicate the location of all mechanical equipment. Any roof-mounted mechanical equipment shall be fully screened from view by the roof structure.

## MECHANICAL/UTILITIES

24. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
25. All television or satellite reception antennas shall be completely screened from view by the roof structure.
26. All utilities, including transformers, shall be located underground.

## ENVIRONMENTAL

27. The project shall comply with the recommendations of the Acoustical Analysis prepared for the project by Charles M. Salter Associates on June 25, 2002.
28. Prior to any underground construction, the property owner shall be responsible for the preparation and implementation of a health and safety plan, and the plan shall be in place and implemented during construction so as to minimize or mitigate any negative health threat to construction workers and other on-site personnel or persons in the vicinity of the project.

POLICE DEPARTMENT

29. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.